

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:20-CV-20-D

MARIANELA VELEZ,

Plaintiff,

v.

RYAN D. MCCARTHY, Secretary  
of the Army,

Defendant.

**ORDER**

On January 30, 2020, Marianela Velez (“Velez” or “plaintiff”), filed a pro se complaint in this court [D.E. 1]. On May 14, 2020, defendant moved to dismiss the complaint and filed a memorandum in support [D.E. 10, 11]. On June 4, 2020, plaintiff filed an amended complaint [D.E. 13]. On July 1, 2020, the court referred defendant’s motion to dismiss to Magistrate Judge Numbers for frivolity review [D.E. 15]. On August 6, 2020, defendant filed a motion to dismiss the amended complaint [D.E. 20]. On September 22, 2020, Judge Numbers issued a Memorandum and Recommendation (“M&R”) and recommended this court dismiss as moot defendant’s motion to dismiss the complaint. See [D.E. 25]. Neither party objected to the M&R.

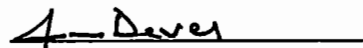
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion in the M&R that defendant’s motion to dismiss the complaint should be dismissed as moot.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 25], and DISMISSES as moot defendant’s motion to dismiss the complaint [D.E. 10].

SO ORDERED. This 21 day of October 2020.

  
JAMES C. DEVER III  
United States District Judge